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# Proposed revisions to the medium-term plan for the period 2002-2005

## Programme 5
## Legal affairs

1. The preparation, format and content of the medium-term plan and its revisions are governed by the Regulations and Rules Governing Programme Planning, the Programme Aspects of the Budget, the Monitoring of Implementation and the Methods of Evaluation (ST/SGB/2000/8).

2. Regulation 4.13 provides, inter alia, that the medium-term plan shall be revised as necessary every two years to incorporate required programme changes and that the proposed revisions shall be as detailed as necessary to incorporate the programme implications of the resolutions and decisions adopted by intergovernmental organs and international conferences since the adoption of the plan.

3. The revisions to the medium-term plan for the period 2002-2005 proposed in the annex are as follows: modification of subprogramme 1 (paras. 5.11 and 5.12), subprogramme 2 (paras. 5.17 and 5.18), subprogramme 3 (paras. 5.20 and 5.21), subprogramme 4 (paras. 5.26-5.29 and 5.33), subprogramme 5 (paras. 5.34-5.39) and subprogramme 6 (paras. 5.46-5.48 and addition of a new paragraph).

4. The changes in subprogrammes 1 and 2 reflect action taken by the General Assembly in its resolution 56/253 of 24 December 2001. The changes in subprogramme 3 reflect action taken by the Assembly in its resolutions 56/78, 56/85, 56/88, 56/89 and 56/93 of 12 December 2001, adopted on the recommendation of the Sixth Committee. The changes in subprogramme 4 reflect action taken by the Assembly in its resolutions 56/12 and 56/13 of 28 November 2001, as well as resolution 56/253. The changes in subprogramme 5 reflect the request made in paragraph 13 of resolution 56/79 of 12 December 2001. The changes in subprogramme 6 include the addition of a new paragraph reflecting action taken by the Assembly in its resolutions 55/2 and 56/77, following the report of the Secretary-General contained in document A/56/484, as well as resolution 56/253.

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5. The medium-term plan for the period 2002-2005 was adopted by the General Assembly in its resolution 55/234 of 23 December 2000 and issued as document A/55/6/Rev.1. The proposed programme budget for the biennium 2002-2003 is contained in documents A/56/6 and Corr.1 and Add.1 and 2 (Introduction, Sects. 1-33 and Income sects. 1-3). It was revised and approved by the General Assembly in its resolutions 56/253 and 56/254 of 24 December 2001.

6. In the proposed revisions, new text to be inserted appears in boldface type, and text to be deleted appears in strikeout type. An explanation of the changes is provided in italic type within brackets.

# Annex

## Proposed revisions to programme 5, Legal affairs

### Subprogramme 1
### Overall direction, management and coordination of legal advice and services provided to the United Nations as a whole

#### Expected accomplishments

5.11 Expected accomplishments would include the provision of more qualitative legal advice to principal and subsidiary organs of the United Nations, **leading to an increased understanding of international law, including the United Nations legal regime.** [*amended to be consistent with para. 28 (a) of annex I to resolution 56/253*]

#### Indicators of achievement

5.12 Indicators of achievement would include the quality and timeliness of legal advice rendered and **the number** of legal instruments finalized; a reduction in the number of violations of international legal instruments for the conduct of ~~the~~ United Nations operations; and the quality and impact of studies, analysis and statements on international law. [*amended to be consistent with para. 28 (b) of annex I to resolution 56/253*]

### Subprogramme 2
### General legal services provided to United Nations organs and programmes

#### Expected accomplishments

5.17 Expected accomplishments would include greater protection of the Organization's legal rights **and minimization of its legal liabilities through the provision of quality legal advice to the principal and subsidiary organs of the United Nations, leading to an increased understanding of the Organization's legal rights and obligations; and provision of legal advice and support aimed at enabling offices, departments and subsidiary organs to maximize their compliance with regulations, rules and administrative issuances consistent with the Organization's policies and purposes.** ~~fewer disputes and other legal difficulties; and better compliance with regulations, rules and administrative issuances consistent with the Organization's policies and purposes~~. [*amended to be consistent with para. 29 (a) of annex I to resolution 56/253*]

#### Indicators of achievement

5.18 Indicators of achievement would include the minimization of the liability of the Organization; a reduction in the number of cases of non-compliance with policies, regulations and rules; a reduction in the number of legal disputes and other difficulties; ~~and~~ the **quality, accuracy and** timeliness of legal advice provided in support of the operational needs of the Organization; **and the number and impact of legal opinions and other legal advice such that the United Nations offices are in a better position to interpret and apply provisions of the United Nations legal regime to specific cases and to comply with such provisions.** [*amended to be consistent with para. 29 (b) of annex I to resolution 56/253*]

### Subprogramme 3
### Progressive development and codification of international law

#### Strategy

5.20 Substantive responsibility for the implementation of this subprogramme is vested in the Codification Division. The types of activities to be undertaken will include research on topics of international law, compilation of background documents, preparation of draft reports of a substantive nature for the bodies concerned, legal advice and assistance in the conduct of proceedings and in the drafting of resolutions, decisions and amendments and implementation of General Assembly resolutions, **including those** on terrorism. ~~, including Assembly resolution 54/110~~. [*changed to indicate that the Division's assistance extends to the implementation of all relevant resolutions, not only those on terrorism; moreover, resolution 54/110 does not relate to the biennium 2002-2003*]

5.21 Substantive support will be provided to the Sixth Committee of the General Assembly in its consideration of the status of relevant instruments, measures aimed at enhancing the accession of States to those instruments or, as the case may be, use by States of the procedures envisaged by the relevant resolutions of the General Assembly. Substantive support will also be provided to special **and ad hoc** committees and ~~open-ended~~ **working** groups ~~established by~~ **of** the Sixth Committee, as well as to the International Law Commission **and the Preparatory Commission for the International Criminal Court.** [*amended to correct titles of the committees as per resolutions 56/86, 56/78, 56/88, 56/89, 56/93, providing the mandate for one special committee, four ad hoc committees (two of them newly established) and three working groups of the Sixth Committee (two of them newly established); further amended in accordance with resolution 56/85 providing for substantive servicing by the Division to the Preparatory Commission for the International Criminal Court*]

## Subprogramme 4
## Law of the sea and ocean affairs

### Strategy

5.26 This subprogramme is implemented by the Division for Ocean Affairs and the Law of the Sea. The mandate for this subprogramme lies in the United Nations Convention on the Law of the Sea and the implementing Agreements, in decisions taken by Meetings of States Parties to the Convention and by the General Assembly, in particular its resolution 49/28 of 6 December 1994, adopted upon the entry into force of the Convention, resolution 52/26 of 26 November 1997 ~~and~~ resolution 54/33 of 24 November 1999, **and resolutions 56/12 and 56/13 of 28 November 2001.**

5.27 The Division will provide information, analysis and advice on the Convention and the Agreements, their status and State practice relating thereto. Assistance will be provided to States and international organizations in the development of legal instruments in the field of the law of the sea and ocean affairs, in harmony with the provisions of the Convention, **especially, in the case of States, in relation to national legislation regarding maritime zones under their jurisdiction and maritime boundary agreements.** [*changed to reflect the assistance to be provided to Member States, as mandated by the General Assembly in its resolution 56/12*]

5.28 Assistance will be provided for the effective functioning of the treaty system of institutions. This will be accomplished by providing servicing to meetings of States parties and to the Commission on the Limits of the Continental Shelf, and by providing assistance to the International Seabed Authority and to the dispute-settlement mechanisms set forth in the Convention, including the International Tribunal for the Law of the Sea. **In the context of servicing the Commission on the Limits of the Continental Shelf, assistance will be provided to States, in particular developing States, in the preparation of submissions to the Commission, and all necessary substantive, technical and administrative services will be provided to the Commission to facilitate its consideration of the submissions. With respect to the Tribunal, liaison services will be carried out on its behalf at United Nations Headquarters, as requested, under the Relationship Agreement between the Tribunal and the Organization. Consequent to the entry into force of the 1995 Fish Stocks Agreement, consultations with the States parties will be carried out for the purposes and objectives of considering the implementation of the Agreement, and preparations for the Review Conference will be made pursuant to article 36 of the Agreement.** [*changed to reflect the provisions of resolution 56/12 with respect to assistance to the Commission and the Tribunal and resolution 56/13 with respect to responsibilities entrusted to the Secretary-General consequent to the entry into force of the 1995 Fish Stocks Agreement*]

5.29 Member States will be assisted in identifying emerging aspects of marine affairs within the framework of the Convention and the programme of action formulated by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21, reconfirmed in decision 7/1 of the Commission on Sustainable Development, as endorsed by the General Assembly in its resolution 54/33 **and to be reviewed by the World Summit on Sustainable Development in August/September 2002.** This assistance will entail analysing areas requiring action, **preparing special studies on the areas of focus of the General Assembly**, organizing groups of experts for the purpose of formulating appropriate responses to emerging needs and servicing multilateral consultations

and negotiations so as to contribute to the progressive development and codification of international law. [*changed to include a linkage with the World Summit on Sustainable Development and to incorporate special studies on the areas of focus of the Consultative Process, as mandated by the General Assembly in its resolution 56/12*]

**Indicators of achievement**

5.33 Indicators of achievement would include an increase in the number of legal instruments developed by States and international organizations in the field of the law of the sea and ocean affairs and the degree of satisfaction on the part of Member States ~~with assistance provided~~, **as reflected in an acknowledgement by them that the products and services provided through the subprogramme assisted their maritime programmes; and increased participation of Member States in bodies and processes relating to oceans and the law of the sea.** [*amended to be consistent with para. 31 (b) of annex I to resolution 56/253*]

## Subprogramme 5
## Progressive harmonization and unification of the law of international trade

**Objective**

5.34 The major objective of this subprogramme is to facilitate and encourage the progressive improvement and harmonization of international trade law and to enhance the knowledge, understanding and application of international trade law. **The intergovernmental body responsible for the subprogramme is the United Nations Commission on International Trade Law (UNCITRAL).** [*editorial change*]

**Strategy**

5.35 Substantive responsibility for this subprogramme is vested in the International Trade Law Branch. **In order to enable the Branch to carry out the work programme of the Commission, it is necessary to implement the request by the General Assembly and the Commission to strengthen the secretariat of the Commission in view of its increased work programme.** [*amended to reflect the provisions of para. 13 of resolution 56/79*]

5.36 The United Nations Commission on International Trade Law, ~~(UNCITRAL)~~ codification conferences and related intergovernmental working groups will be provided with substantive support. This will include research on international trade law, compilation of background information, preparation of draft substantive reports, legal advice and assistance in the conduct of proceedings and in the drafting of decisions, amendments and proposals. The work of other international organizations active in international trade law will be monitored **and coordinated** to avoid duplication and inconsistencies. Cooperation will be undertaken with regional organizations to foster regional harmonization on the basis of universal texts of the Commission. [*editorial change*]

5.37 The International Trade Law Branch will draft for Governments modern and universally acceptable legislative texts (treaties, model laws, legislative guides and recommendations) in areas where the Commission determines that the harmonization of commercial law is desirable and feasible. In this context, the Branch will draft, for use by commercial parties, non-legislative texts such as model contract clauses, model contractual rules, legal guides and studies. **Pursuant to the decisions of the Commission, legislative or non-legislative texts and studies will be prepared in the following fields, where UNCITRAL is exercising a leading role in the formulation of uniform law: electronic commerce; insolvency of commercial entities; settlement of commercial disputes by arbitration and conciliation; transport law; security interests; and privately financed infrastructure projects. It The Branch** will provide models for use by intergovernmental organizations when they prepare legislative texts or assist their member States in modernizing trade legislation. Furthermore, the Branch will draft models for use by international and national governmental organizations when they prepare standard texts for the use of their members. Attention will also be given to issues arising from the increasing importance of electronic commerce in international trade. [*changed in accordance with the report of the United Nations Commission on International Trade Law on its thirty-fourth session (A/56/17, paras. 292-294, 308, 313-315, 345, 358-359 and 369)*]

5.38 Assistance will be provided to Governments in the preparation of legislation in the form of briefings to officials, ~~and~~ training **and direct assistance in the**

**drafting of instruments enacting uniform law texts.** Professional associations and academic institutions, in particular in developing countries and countries with economies in transition, will be assisted in promoting the modernization and teaching of international trade law. **Increased attention will be paid to the continuous updating of the UNCITRAL web site in the six official languages of the Organization, with added features that will facilitate researching the background and legislative history of the principal legislative texts resulting from the work of the Commission.** [*amended to be consistent with resolution 56/79, para. 8, resolution 56/64 and resolution 54/248*]

5.39 Users of texts originating from the work of the Commission will be provided with information on the judicial and arbitral application and interpretation of those texts. Such information is made available, in all official languages of the United Nations, in the form of abstracts of court decisions and arbitral awards. **In addition, the Branch will facilitate the enactment and use of uniform law by preparing a digest of case law interpreting the United Nations Convention on Contracts for the International Sale of Goods and the UNCITRAL Model Law on International Commercial Arbitration, as well as disseminating information on the legislative implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards.** [*changed in accordance with the report of the United Nations Commission on International Trade Law on its thirty-fourth session (A/56/17, paras. 316-318 and 395)*]

## Subprogramme 6
## Custody, registration and publication of treaties

### Strategy

Add a new paragraph 5.46 as follows:

**5.46 Provide assistance to States with the technical and legal aspects of participation in treaties deposited with the Secretary-General and the registration of treaties pursuant to Article 102 of the Charter.** [*amended to be consistent with General Assembly resolutions 56/77 and 55/2, following the reports of the Secretary-General contained in documents A/56/484 and A/56/326*].

Renumber the remaining paragraphs accordingly.

### Expected accomplishments

~~5.46~~ 5.47 Expected accomplishments would include enhancement of the knowledge and understanding of treaties and related international legal matters; ~~and of~~ **greater familiarity with and understanding by Member States of the technical and legal aspects of participating in the multilateral treaty framework and registering treaties with the Secretariat; increased** respect for the international treaty framework **and the advancement of the international rule of law; and improved access to international treaties deposited with the Secretary-General, including information on their status, and to treaties registered with the Secretariat.** [*amended to be consistent with resolutions 56/77 and 55/2, following the reports of the Secretary-General contained in documents A/56/484 and A/56/326, and with para. 33 (a) of annex I to resolution 56/253*]

### Indicators of achievement

~~5.47~~ 5.48 Indicators of achievement would include the ~~timely publication of the multilateral treaties deposited with the Secretary-General, the United Nations *Treaty Series*, the monthly *Statement of Treaties and International Agreements* and the *United Nations Treaty Series Cumulative Index*; greater satisfaction of users with the services provided by the Treaty Section, including the electronic services; and, as appropriate, the timely registration of treaties by States in conformity with Article 102 of the Charter.~~ **timely processing, registration and publication of international treaties deposited with the Secretary-General in accordance with Article 102 of the Charter and of actions relating to treaties deposited with the Secretary-General, including the United Nations *Treaty Series*, multilateral treaties deposited with the Secretary-General, the monthly *Statement of Treaties and International Agreements* and the United Nations *Treaty Series* Cumulative Index; the timely availability of such information through electronic services; enhanced familiarity with and understanding by States of the technical and legal aspects of participating in the multilateral treaty framework and registering treaties with the Secretariat, and the consequent execution of an increased number of treaty actions in the proper format; and greater satisfaction of users with the services provided by the Treaty**

**Section, including electronic services.** [*amended to be consistent with resolutions 56/77 and 55/2, following the reports of the Secretary-General contained in documents A/56/484 and A/56/326, and para. 33 (b) of annex I to resolution 56/253*]

## Legislative mandates

**Subprogramme 1**
**Overall direction, management and coordination of legal advice and services to the United Nations as a whole**

*General Assembly resolution*

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| **56/253** | **Questions relating to the proposed programme budget for the biennium 2002-2003** |

**Subprogramme 2**
**General legal services provided to United Nations organs and programmes**

*General Assembly resolution*

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| **56/253** | **Questions relating to the proposed programme budget for the biennium 2002-2003** |

**Subprogramme 3**
**Progressive development and codification of international law**

*General Assembly resolutions*

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| ~~**54/28**~~ | ~~**Decade of International Law**~~ |
| **55/148** | **Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts** |
| **55/149** | **Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives** |
| **56/77** | **United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law** |
| **56/78** | **Convention on jurisdictional immunities of States and their property** |
| **56/82** | **Report of the International Law Commission on the work of its fifty-third session** |
| **56/85** | **Establishment of the International Criminal Court** |
| **56/86** | **Report of the Special Committee of the Charter of the United Nations and on the Strengthening of the Role of the Organization** |
| ~~**50/53**~~ | ~~**Measures to eliminate international terrorism**~~ |
| ~~**51/210**~~ | ~~**Measures to eliminate international terrorism**~~ |
| ~~**52/165**~~ | ~~**Measures to eliminate international terrorism**~~ |
| ~~**53/108**~~ | ~~**Measures to eliminate international terrorism**~~ |

~~54/102~~ ~~United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law~~

~~54/107~~ **56/87** Implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions

~~54/110~~ **56/88** Measures to eliminate international terrorism

**56/89** **Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel**

**56/93** **International convention against the reproductive cloning of human beings**

**Subprogramme 4**
**Law of the sea and ocean affairs**

*General Assembly resolutions*

~~54/32~~ ~~Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks~~

**56/12** **Oceans and law of the sea**

**56/13** **Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks**

~~56/253~~ **Questions relating to the proposed programme budget for the biennium 2002-2003**

**Subprogramme 5**
**Progressive harmonization and unification of the law of international trade**

*General Assembly resolutions*

**56/77** **United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law**

**56/79** **Report of the United Nations Commission on International Trade Law on the work of its thirty-fourth session**

**Subprogramme 6**
**Custody, registration and publication of treaties**

*General Assembly resolutions*

**55/2** **United Nations Millennium Declaration**

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| **56/77** | **United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law** |
| **56/253** | **Questions relating to the proposed programme budget for the biennium 2002-2003** |